



MEMO ENDORSED

September 15, 2020

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Via ECF

Hon. Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square – Courtroom 619
New York, New York 10007

**Re: *Cindy Barad Elias v. Gettry Marcus CPA, P.C. and Marc Heppen, CPA*
No. 17-cv-4066 (ER)**

Dear Judge Ramos:

For the reasons explained below, we write jointly on behalf of both parties to request that the above-captioned action be placed on the Court's suspension docket in order to allow the parties to continue their good faith efforts to resolve their disputes through private in-person live mediation.

Your Honor has granted our previous requests to adjourn the pretrial deadlines in this matter, but due to the circumstances of the Covid-19 pandemic it has been impossible for the parties to proceed with the in-person mediation session that we believe necessary to bring about an informal resolution. As a result, we have been forced to adjourn the in-person session scheduled for next month *sine die*. Rather than continue to burden Your Honor with successive requests for adjournment during these uncertain times, especially since several parties (including the Plaintiff) reside in Florida which poses substantial logistics concerns, the parties have agreed to jointly make this request that the action be temporarily suspended over the next several months.

Both parties believe in good faith that a consensual resolution of their dispute can be reached; that an in-person live mediation is the likeliest path to bring about such a resolution; and that it would be unproductive and wasteful, both in terms of their own resources as well as those of the Court, to continue to litigate until the mediation route has been attempted. For example, the parties have a number of discovery disputes and disagreements that will surely be costly and time-intensive to resolve, and which they have mutually agreed to table for the duration of the mediation process without prejudice.

The parties respectfully submit that, under these circumstances, placing this action on the Court's suspension docket would be in the interests of justice. While the parties reasonably expect to be able to resolve their disputes—in which case they will promptly inform the Court and stipulate to the discontinuance of the action—in the event that they are unable to do so the case will proceed on a normal schedule without the continual adjournment requests that we believe would otherwise be required.



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Both parties stand ready to provide the Court with any additional information that might be helpful in connection with this request. We thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ David M. Levy

David M. Levy
Kleinberg, Kaplan, Wolff & Cohen, P.C.

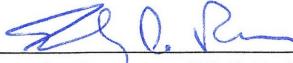
/s/ Peter Seiden

Peter Seiden
Milber Makris Plousadis & Seiden, LLP

cc: All Counsel of Record

The application is DENIED. The Court will not stay this matter while over nine months remain in discovery. The Court will consider requests to adjourn discovery deadlines as may be necessary.

SO ORDERED.



Edgardo Ramos, U.S.D.J

Dated: Sept. 15, 2020
New York, New York